

Memorandum of Understanding  
between  
New Hampshire Rail Transit Authority  
and

New Hampshire Department of Transportation

Agreement made this 27<sup>th</sup> day of September, 2010, by and between the New Hampshire Rail Transit Authority ("NHRTA") and the New Hampshire Department of Transportation ("NHDOT"), to plan and implement passenger rail projects in New Hampshire.

WHEREAS, the New Hampshire General Court established the NHRTA in 2007 to promote and implement passenger rail service in New Hampshire; and

WHEREAS, the NHRTA became an administratively attached agency, pursuant to RSA 21-G:10, to the NHDOT by Laws 2009, ch. 150; and

WHEREAS, the NHRTA has identified passenger rail service to Boston in the New Hampshire Main Line rail corridor as a top priority for establishing new passenger rail service; and

WHEREAS, the NHDOT is the primary transportation agency in the State of New Hampshire, is committed to assist with implementing passenger rail service in New Hampshire and has the legal and technical capacity to apply for and manage Federally funded transportation projects;

THEREFORE THE NHDOT AND NHRTA AGREE THAT

A. NHRTA will have primary responsibility, after consultation with NHDOT, to:

1. Provide guidance and direction on the priorities for planning and implementing passenger rail projects
2. Manage and coordinate marketing and public relations for passenger rail projects
3. Provide a lead person for inquiries and information on passenger rail projects
4. Represent communities, MPOs and regional planning commissions included on its board of directors in reviewing local interests for passenger rail projects

B. NHDOT will have primary responsibility, after consultation with NHRTA, to:

1. Develop and submit applications for Federal grant funds
2. Develop a scope of work and request proposals for design and engineering consultants
3. Execute and oversee consultant contracts
4. Negotiate access and operating agreements
5. Review plans, specifications, design and other documents and reports
6. Review expenditures, disburse funds, and report on expenditures and activities as required for all passenger rail projects
7. Oversight of construction management
8. Assignment and supervision of staff
9. Preparation of updated descriptions, budgets, and plans for passenger rail projects
10. Notify the NHRTA of any known changes or proposed changes to existing and former rail corridors that could have an impact on future rail passenger services, such as any and all abandonment of rail right-of-ways, rail infrastructure (rails, switches, signaling equipment, bridges, and trestles), and any reduction of multi-track corridors to single

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track corridors. This notification should also apply to projects that might normally be considered solely as highway projects and/or trail projects.

C. Both parties agree to work together cooperatively in consultation with the affected MPO or planning commission to implement passenger rail projects in the interests of the citizens of New Hampshire.

D. This memorandum of understanding shall be used as a default for all passenger rail projects. However, as each project will differ, the parties may alter their respective responsibilities for a particular project by jointly executing a project-specific amendment to this memorandum of understanding.

E. It shall be a shared obligation of both the NHDOT and the NHRTA to collaborate and work with other states in the formation and implementation of a regional rail service.

F. This memorandum of understanding shall continue in effect until terminated by either party or amended by written agreement of both parties.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their officers or representatives.

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

By: [Signature] Witness: [Signature]  
Date: 9/8/10

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY

By: [Signature] Witness: [Signature]  
Date: 9/09/10

Approved as to form and execution:  
ATTORNEY GENERAL

By: [Signature] Date: 9/9/10  
David M. H. Itz

[Signature] DEC 08 2010  
DEPUTY SECRETARY OF STATE